FORMAL LEGAL INSTRUMENT — RESTRICTED CIRCULATION

DECLARATION ON FUNDAMENTAL CHANGE OF CIRCUMSTANCES

Invoked Pursuant to Article 62 of the Vienna Convention on the Law of Treaties,
Done at Vienna, 23 May 1969, 1155 U.N.T.S. 331

With Respect to the Charter of the United Nations,
Done at San Francisco, 26 June 1945, 1 U.N.T.S. XVI

Submitted to the Secretary-General of the United Nations
as Depositary of the Charter, pursuant to Article 102 of the Charter

Prepared by:
Independent International Legal Scholars
Acting in Their Individual Professional Capacities

March 2026

DRAFT FOR ADOPTION — COALITION REVIEW STAGE

NOTICE OF INVOCATION

The Participating States, acting collectively and in accordance with their rights under customary international law and the Vienna Convention on the Law of Treaties (1969), hereby give formal notice to the Secretary-General of the United Nations, as depositary of the Charter of the United Nations, that:

I. INVOCATION OF DOCTRINE. The Participating States invoke the doctrine of rebus sic stantibus — the doctrine of fundamental change of circumstances — as codified in Article 62 of the Vienna Convention on the Law of Treaties, Done at Vienna, 23 May 1969, 1155 U.N.T.S. 331 (hereinafter 'VCLT'), with respect to their obligations under the Charter of the United Nations, Done at San Francisco, 26 June 1945, 1 U.N.T.S. XVI (hereinafter 'the Charter').[1]

II. NATURE OF THIS INSTRUMENT. This Declaration constitutes a formal legal instrument for the purposes of Article 62 VCLT. It is not a unilateral denunciation of the Charter. It is a notice of legal position, setting forth the factual and legal basis on which the Participating States assert that the conditions essential to their original and continuing consent to the Charter have been fundamentally altered, and demanding the convening of the Charter review conference provided for in Article 109 of the Charter.[2]

III. LEGAL BASIS FOR COLLECTIVE ACTION. The Participating States act collectively on the basis that the structural dysfunction documented herein is not divisible — it affects all non-permanent member states simultaneously and by reason of the same structural cause. The right to invoke fundamental change of circumstances vests individually in each Participating State and is exercised here collectively for reasons of procedural efficiency and in the exercise of the right of states to act in concert in the defence of their common legal interests.[3]

IV. TRANSMISSION. This Declaration shall be transmitted by each Participating State to the Secretary-General of the United Nations, as depositary of the Charter pursuant to Article 102 thereof, and to the

[1]Vienna Convention on the Law of Treaties, art. 62, Done at Vienna, 23 May 1969, 1155 U.N.T.S. 331 [hereinafter VCLT]. Article 62(1) provides: 'A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless: (a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and (b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.'

[2]U.N. Charter art. 109. Article 109(1) provides: 'A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council.' No such conference has been convened in eighty years of the Charter's operation.

[3]See Gabčíkovo-Nagymaros Project (Hung. v. Slovk.), Judgment, 1997 I.C.J. Rep. 7, ¶¶ 99–115 (Sept. 25). See also Fisheries Jurisdiction (U.K. v. Ice.), Jurisdiction of the Court, Judgment, 1973 I.C.J. Rep. 3, ¶¶ 36–43 (Feb. 2). For collective action by states in defence of erga omnes obligations, see Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Judgment, 2007 I.C.J. Rep. 43.

> President of the General Assembly. Simultaneously, a copy shall be transmitted to the President of the International Court of Justice for information, in accordance with the Court's rules governing advisory proceedings.[4]

[4]U.N. Charter art. 102; Statute of the International Court of Justice art. 34, Done at San Francisco, 26 June 1945, 1 U.N.T.S. XVI.

PREAMBLE

THE PARTICIPATING STATES,

RECALLING that the Charter of the United Nations was adopted at San Francisco on 26 June 1945, and constitutes the foundational instrument of the international legal order, the consent of states thereto having been secured through representations made by the Sponsoring Powers at the San Francisco Conference concerning the nature, scope, and restraint with which the privileges of permanent membership of the Security Council would be exercised,[5]

RECALLING FURTHER that the Charter is a constituent instrument of an international organisation subject to the general rules of treaty law as codified in the VCLT, including the doctrine of fundamental change of circumstances set forth in Article 62 thereof,[6]

AFFIRMING that the right to invoke fundamental change of circumstances under Article 62 VCLT is a right of all states parties to a treaty, and that its invocation with respect to a constituent instrument of an international organisation does not extinguish the obligations of the invoking states during any transition period, nor prejudice the rights of other member states whose interests are not adverse to reform,

DEEPLY CONCERNED that the structural dysfunction of the United Nations now extends simultaneously and systemically across every substantive pillar of the Charter — peace and security, human rights, economic and social development, self-determination, the rule of international law, and the humanitarian protection of civilian populations — and that this convergent dysfunction flows from a single structural cause: the unreviewable exercise of the veto by the five permanent members of the Security Council,

NOTING WITH GRAVE CONCERN that the internal reform mechanisms of the Charter, including the amendment procedure established by Article 108 and the review conference mechanism established by Article 109, have been rendered structurally inaccessible by the same permanent members whose exercise of structural privilege is the subject of this Declaration,[7]

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[5]Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council (the 'San Francisco Statement'), San Francisco, 7 June 1945, reproduced in Documents of the United Nations Conference on International Organization, Vol. XI, pp. 709–714.

[6]See Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, 1980 I.C.J. Rep. 73, ¶ 37 (Dec. 20) (constituent instruments of international organisations subject to treaty law rules). See also Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. Rep. 226 (July 8).

RECALLING ALSO that the majority of the world's states gathered at San Francisco in 1945 were aware that the core provisions of the Charter were being dictated by the five permanent members of the Security Council, and that they accepted the Charter in its current form in return for the explicit promise of a more democratic United Nations in the future — a qualified acceptance manifested in Article 109 and the representations of the 1945 Statement, which constituted the political and legal price extracted by smaller states for their consent to the veto architecture,[8]

HAVING EXHAUSTED all available means of achieving structural reform through internal processes — including thirty-three years of Intergovernmental Negotiations on Security Council reform (1993–2026), the Pact for the Future adopted at the Summit of the Future in September 2024, the UN80 Initiative launched in March 2025, and sustained engagement across all General Assembly mechanisms — without producing any structural change to the veto architecture,

HEREBY ADOPT this Declaration on Fundamental Change of Circumstances and direct its transmission as set forth in operative clause IV above.

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[7]U.N. Charter art. 108 ('Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.').

[8]Sharei, M. (2016), Reconstructing Article 109(3) of the UN Charter, Ph.D. thesis, University of Kent, at 3–7 ('the majority of the world's states gathered at San Francisco were aware that the core provisions of the treaty were being dictated by the five permanent members; they accepted the Charter in its current form in return for the promise of a more democratic UN in the future'). See also Goodrich, Hambro & Simons, Charter of the United Nations: Commentary and Documents (3d ed. 1969), at 228. The qualified acceptance of smaller states is also reflected in the Mexican proposal at San Francisco, which sought a review conference without any mandatory ratification by permanent members — a proposal the P5 opposed and which was withdrawn. See UNCIO Doc. 991, I/2/66, 7 U.N. Conf. Int'l Org. Docs. 209 (1945).

PART I — FOUNDATIONAL LEGAL FRAMEWORK

Article 1. The Doctrine of Fundamental Change of Circumstances

1.1 Codification in the VCLT

Article 62 of the Vienna Convention on the Law of Treaties codifies the customary international law doctrine of rebus sic stantibus. It provides that a fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may be invoked as a ground for terminating or withdrawing from a treaty only if: (a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and (b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.[9]

The International Court of Justice has confirmed the status of the doctrine in customary international law, while establishing that the threshold for invocation is high. In *Gabčíkovo-Nagymaros Project*, the Court held that '[t]he changes of circumstances relied upon by Hungary are not of such a nature, either individually or collectively, that their effect would radically transform the extent of the obligations still to be performed in order to accomplish the Project.' [10] In *Fisheries Jurisdiction*, the Court applied the doctrine in the context of the evolution of international fisheries law, finding that the extension of fishery limits 'constitutes a fundamental change with respect to the right of fishing in the areas claimed.'[11]

The present Declaration satisfies both limbs of Article 62(1) VCLT with respect to the Charter: (a) the circumstances described in Part II of this Declaration constituted the essential basis of the consent of non-permanent member states to be bound by the Charter's veto architecture; and (b) the changes documented in Part III radically transform the extent of obligations still to be performed, because those obligations now flow in one direction only — from non-permanent members to an institutional structure governed by permanent members who have systematically departed from the conditions of the original compact.

1.2 The Causation Exclusion — Article 62(2) VCLT

Article 62(2)(b) VCLT provides that fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty if the fundamental change is the result of a breach by the party invoking it of either an obligation under the treaty or of any other international obligation owed to any other party to the treaty.[12] The causation analysis in Part IV of this Declaration demonstrates that every structural change invoked herein is attributable exclusively to acts and omissions of the five permanent members exercising structural privileges that non-permanent member states did not design, do

[9] VCLT, supra note 1, art. 62(1).

[10] Gabčíkovo-Nagymaros Project (Hung. v. Slovk.), Judgment, 1997 I.C.J. Rep. 7, ¶ 104 (Sept. 25).

[11] Fisheries Jurisdiction (U.K. v. Ice.), Jurisdiction of the Court, Judgment, 1973 I.C.J. Rep. 3, ¶ 43 (Feb. 2).

[12] VCLT, supra note 1, art. 62(2)(b).

not possess, and cannot exercise. The causation exclusion of Article 62(2)(b) does not apply to the invoking states.

1.3 Scope: Simultaneous Failure Across All Charter Pillars

This Declaration does not rest on failure in any single Charter pillar. It documents simultaneous, systematic, and mutually reinforcing failures across every substantive pillar of the Charter in the same institutional period, each with the same structural cause. The convergence of these failures constitutes a qualitatively different legal situation from isolated institutional dysfunction, and satisfies with exceptional force the requirement in Article 62(1)(b) VCLT that the effect of the change radically transform the extent of obligations still to be performed.

Article 2. The 1945 Inducing Representations

2.1 Legal Character of the San Francisco Statement

The Statement of the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, issued at San Francisco on 7 June 1945 (hereinafter 'the 1945 Statement'), constitutes a legal inducement to consent within the meaning of Article 48 VCLT and the general law of treaty-making.[13] It was issued specifically to address the concerns of smaller states about the scope and exercise of the veto, and was the instrument by which their acceptance of the veto architecture was secured. Its representations are therefore legally operative as part of the agreed context of the Charter's consent.

2.2 Article 109 as the Conditional Price of Consent

Article 109 of the Charter was not part of the original proposal of the three major sponsoring powers at San Francisco. It was inserted at the insistence of smaller states — principally the Latin American delegations, together with Australia, New Zealand, and Poland — who were opposed to the veto and demanded as the price of their consent a mechanism to review and revise the Charter, including its veto architecture, at a conference to be held no later than 1955.[14]

Article 109 is therefore, in its constitutional origins, the embodiment of conditional consent: an acceptance of the veto architecture in return for an enforceable promise to reconsider its terms within a decade. The British delegate at San Francisco explicitly stated that the veto of permanent members 'would not be involved in the future calling of the Conference' and that 'the holding of a general conference would

[13] VCLT, supra note 1, art. 48 (error); but see the general principle that representations made to secure consent are part of the context of treaty interpretation under art. 31(2). The 1945 Statement is reproduced in Documents of the United Nations Conference on International Organization, Vol. XI, pp. 709–714.

[14] Bruno Simma (ed.), The Charter of the United Nations: Commentary (3d ed., Oxford UP 2012), at 18 ('Poland, Australia, New Zealand, Brazil and the rest of Latin America, being unhappy with the veto, drafted Art. 109 of the Charter, insisting to review the Charter and eliminate the veto in a General Conference convened at latest by 1955'). The Soviet Union opposed specifying a deadline: 'the delegate from the Soviet Union considered it a political error to mention in the Charter a specific time for calling the revision conference.' Documents of the United Nations Conference on International Organization, Vol. XI, at 236–37. The Soviet Union's stated reason was the expressed desire of many delegates 'to use such a conference to destroy the veto power.' See Fordham L. Rev., 'The General Conference for the Review of the Charter,' Vol. 24(3), Autumn 1955, at 358–360.

focus the public opinion of all Member States on the issue.'[15] The conference was never convened. The conditional promise has been outstanding for eighty years.

2.3 The Four Representations

The 1945 Statement made four specific representations that constituted the essential inducement for non-permanent member consent to the veto:

(a) The veto would not be used to prevent the Security Council from discussing matters;

(b) It was not intended to permit a permanent member to obstruct the peaceful settlement of disputes;

(c) It would not be used to prevent investigation of disputes; and

(d) It would not prevent the Council from fulfilling its function of maintaining international peace and security.

The United States representative further stated explicitly that the veto was reserved for situations affecting the vital national interests of the permanent members and would not be used indiscriminately.[16]

2.4 The Eight Essential Circumstances

This Declaration identifies eight circumstances that were essential to the consent of non-permanent member states to be bound by the Charter in 1945 and upon subsequent accession:

(1) A functioning, impartial collective security architecture that would respond to aggression regardless of the identity of the aggressor, as contemplated in Chapter VII of the Charter.

(2) A veto power exercised with the restraint specifically represented in the 1945 Statement, not used to obstruct the Council's primary function under Article 24 of the Charter.

(3) Genuine reciprocity of legal obligations between permanent and non-permanent members, consistent with the principle of sovereign equality affirmed in Article 2(1) of the Charter.

(4) Substantive legal equality before the International Court of Justice with enforceable outcomes, consistent with Article 94 of the Charter.

(5) Accessible internal reform mechanisms permitting the Charter to be updated in response to changed circumstances, as contemplated in Articles 108 and 109 of the Charter.

(6) Good faith pursuit of the Charter's purposes and principles by all members, including permanent members, as required by Article 2(2) of the Charter.

(7) An equitable international economic architecture promoting the higher standards of living and conditions of economic and social progress contemplated in Article 55 of the Charter.

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[15]Fordham L. Rev., supra note at 359–360. The UK's assurance that the veto would not apply to the calling of a conference was a direct representation made to secure smaller state consent, and is legally operative as part of the 1945 inducing representations analysed in Article 2.1 above.

[16]Statement by Harold Stassen, United States Delegate, San Francisco Conference, 7 June 1945, in Documents of the United Nations Conference on International Organization, Vol. XI, p. 714. See also Leland M. Goodrich, Edvard Hambro & Anne Patricia Simons, Charter of the United Nations: Commentary and Documents 228 (3d ed. 1969).

(8) An impartial humanitarian response system capable of protecting civilian populations regardless of the political identity of the attacking party, consistent with the humanitarian purposes of the Charter.

PART II — EVIDENTIARY RECORD OF SYSTEMIC FAILURE

Article 3. Peace and Security: Structural Incapacitation of the Security Council

3.1 Article 1(1) of the Charter — The Primary Purpose

The primary purpose of the United Nations, stated in Article 1(1) of the Charter, is the maintenance of international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace.[17] The Security Council bears primary responsibility for this purpose under Article 24.[18] The evidentiary record of 2015 to 2026 demonstrates that the Council has been structurally incapacitated in every significant conflict in which a permanent member or its protected parties have an interest.

3.2 The Veto Record: Gaza, 2023–2025

The United States exercised its veto on four occasions to defeat draft resolutions of the Security Council concerning the conflict in Gaza:[19]

Date	Resolution Subject	Concurrent UN Documentation
18 Oct. 2023	Humanitarian pause in Gaza	WFP: acute food insecurity, entire northern Gaza civilian population
8 Dec. 2023	Immediate ceasefire	WHO: systematic destruction of hospital infrastructure documented
20 Feb. 2024	Ceasefire and hostage release	UNRWA: 25,000+ deaths documented; 75% of housing stock destroyed
4 Jun. 2025	Ceasefire — all 10 elected members co-sponsoring	OHCHR: famine conditions confirmed; 50,000+ deaths documented

The June 4, 2025 veto is without precedent in the Council's history: it was cast against a draft resolution co-sponsored by all ten elected members of the Council, representing every non-permanent member simultaneously. It is the first veto in the Council's history to have been cast against the express, unanimous position of the Council's non-permanent membership.[20]

[17] U.N. Charter art. 1(1).

[18] U.N. Charter art. 24(1) ('In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.').

[19] The veto record is documented in UN Security Council Voting Records, S/PV.9438 (18 Oct. 2023); S/PV.9478 (8 Dec. 2023); S/PV.9553 (20 Feb. 2024); S/PV.9680 (4 Jun. 2025). See also Security Council Report, 'The Veto,' Updated March 2026.

[20] Security Council Report, 'Monthly Forecast,' July 2025, p. 3. See also Report of the Secretary-General, 'Repercussions of the Veto,' UN Doc. S/2026/71 (Jan. 2026).

3.3 The Veto Record: Syria

Russia and China have exercised their vetoes on nineteen occasions since 2011 to defeat draft resolutions concerning the situation in Syria, including resolutions establishing humanitarian corridors, ceasefire mechanisms, and accountability measures, while United Nations monitoring bodies documented mass atrocity crimes and the systematic targeting of civilian infrastructure.[21]

3.4 P5 as Conflict Protagonists

In the period under review, each of the five permanent members has been either a direct party to armed conflict or a primary arms supplier to a party to armed conflict whose conduct is under international legal scrutiny:

Permanent Member	Conflict Role	Legal Nexus
United States	Material support and diplomatic protection of Israel in Gaza; arms transfers	Arms Export Control Act; IHL obligations; ICJ provisional measures orders
Russian Federation	Direct invasion and occupation of Ukraine (24 Feb. 2022)	UN GA Res. ES-11/1 (2022); ICC arrest warrant issued Mar. 2023
People's Republic of China	Occupation and militarisation of disputed South China Sea features	Violation of South China Sea Arbitration Award, PCA Case No. 2013-19 (2016)
France	Arms transfers to Sahel parties; security agreements with forces implicated in atrocities	French DGSE operations documented by UN Group of Experts
United Kingdom	Arms exports to Saudi Arabia throughout period of documented mass civilian harm in Yemen	High Court judicial review proceedings R (Campaign Against the Arms Trade) v SoS for International Trade [2019] EWCA Civ 1020

Article 4. Human Rights Architecture: Selective Accountability

4.1 ICC: Structural Asymmetry of Prosecutorial Reach

Of the 54 individuals charged by the International Criminal Court as of the date of this Declaration, 47 hold African nationality.[22] No national of any permanent member state of the Security Council has been charged by the Court. No investigation has been opened into conduct in Yemen, where the Group of

[21] Security Council Veto List, UN Dag Hammarskjöld Library (2026). The 19 vetoes include: S/2011/612; S/2012/77; S/2012/538; S/2013/612; S/2014/348; S/2015/116; S/2016/846; S/2017/172; S/2017/315; S/2017/884; S/2018/175; S/2018/321; S/2019/837; S/2020/654; S/2022/155; S/2022/714; S/2023/101; S/2023/727; S/2024/293.

[22] International Criminal Court, 'Cases,' available at www.icc-cpi.int/cases (accessed Mar. 2026). See also African Union, 'Decision on the International Criminal Court,' Assembly/AU/Dec.622(XXVIII) (Jan. 2017); Dire Tladi, 'The ICC Decisions on Chad and Malawi,' 11 J. Int'l Crim. Just. 199 (2013).

Eminent Experts documented war crimes by Saudi-led Coalition forces before its mandate was prematurely terminated in 2021 following Saudi lobbying at the Human Rights Council.[23]

4.2 US Sanctions on ICC Judicial Officers

In December 2025, the United States government imposed targeted sanctions on eleven International Criminal Court officials, including eight members of the Court's judicial chambers.[24] These sanctions constitute an act of direct interference with the independence of an international judicial institution established by treaty, and represent a fundamental departure from the Charter's commitment to the rule of law.

4.3 Regional Withdrawal — The Sahel Response

Mali, Burkina Faso, and Niger gave notice of simultaneous withdrawal from the Rome Statute of the International Criminal Court in September 2025, characterising the Court as a 'tool of neocolonial repression' exercising 'selective justice.'[25] The three states simultaneously announced the creation of the Sahel International Court as an alternative accountability mechanism, representing the emergence of parallel institutional architecture — the structural response that systemic institutional failure predictably generates.

4.4 ICC Reparations: The Architecture of Unfulfilled Awards

The ICC reparations system reveals a second dimension of structural failure: the persistent gap between judicial awards and material delivery. The single completed reparations programme in the Court's history — the Katanga case — awarded USD 1,000,000 to 297 victims for crimes against humanity: a mean of USD 250 per victim, implemented over seven years.[26]

Case	Award	Victims	TFV Funding Status
Prosecutor v. Katanga (DRC)	USD 1,000,000	297	COMPLETED Jan. 2025 — 7 years; $250/victim
Prosecutor v. Al Mahdi (Mali)	€2,700,000	1,689	Concluding 2025; cultural heritage focus
Prosecutor v. Lubanga (DRC)	USD 10,000,000	2,471	Implementation ongoing; no completion date
Prosecutor v. Ntaganda (DRC)	USD 31,300,000	Tens of thousands	Implementation plan approved late 2024

[23] UN Doc. A/HRC/48/L.1 (5 Oct. 2021) (resolution terminating the Group of Eminent Experts mandate). See also Human Rights Watch, 'UN: Rights Probe on Yemen Ends in Blow to Victims,' 7 Oct. 2021.

[24] Executive Order, 'Imposing Sanctions on Personnel of the International Criminal Court,' Dec. 2025 (on file with the Participating States). See also ICC, 'Statement of the Presidency Condemning Sanctions,' 18 Dec. 2025.

[25] Joint Declaration of Mali, Burkina Faso, and Niger on Withdrawal from the Rome Statute, Ouagadougou, Sept. 2025 (on file with the Participating States). See also Rome Statute of the International Criminal Court, Done at Rome, 17 July 1998, 2187 U.N.T.S. 90, art. 127 (procedure for withdrawal).

[26] ICC Trial Chamber II, 'Decision on the Conclusion of the Proceedings in the Katanga Case,' 30 Jan. 2025, ICC-01/04-01/07. See ICC Trust Fund for Victims, 'Statement of the Board of Directors,' 31 Jan. 2025.

Prosecutor v. Ongwen (Uganda)	€52,400,000	~50,000	TFV launched €5M appeal — 9.5% of liability
Prosecutor v. Ali Kushayb (Sudan)	TBD	~40,000 est.	Convicted Oct. 2025; reparations phase opened

The Trust Fund for Victims operates on annual contributions of approximately €10–15 million. The aggregate reparations liability across active cases exceeds €95 million. The institution is architecturally incapable of delivering the awards it produces.[27]

Article 5. Economic Architecture: Structured Dependency

5.1 IMF Governance — Single-State Veto

The United States holds a 16.5 percent voting share in the International Monetary Fund — the only share exceeding the 15 percent threshold required to block decisions requiring an 85 percent supermajority.[28] In 2024, low and middle income countries collectively made debt service payments of approximately USD 1.4 trillion — a figure exceeding total official development assistance by a factor exceeding ten.[29]

5.2 WTO Appellate Body — Deliberate Dismantlement

The WTO Appellate Body ceased to function on 10 December 2019, when the last member's term expired following the United States' sustained refusal since 2016 to consent to new appointments — a refusal maintained through successive administrations.[30] As of April 2025, 32 dispute panel rulings had been 'appealed into the void,' including 11 filed against the United States, leaving those disputes permanently unresolved.[31]

The Multi-Party Interim Appeal Arbitration Arrangement established in March 2020 has settled two cases in four years and comprises 57 of 164 WTO members — excluding the United States, India, and Russia.[32]

5.3 ISDS — The Asymmetric Liability Architecture

[27]ICC Trust Fund for Victims, 'Annual Report 2024–2025,' ICC-ASP/23/4 (Aug. 2024). See also 'Budget Proposal for 2025,' ICC-ASP/23/10.
[28]International Monetary Fund, 'Quotas,' available at www.imf.org/en/About/Factsheets/IMF-Quota (2026). See also IMF Articles of Agreement, art. XII, § 5, Done at Bretton Woods, 22 July 1944, 2 U.N.T.S. 39.
[29]World Bank, 'International Debt Report 2025,' Washington, D.C. (2025). See also UNCTAD, 'Trade and Development Report 2025,' UN Doc. UNCTAD/TDR/2025.
[30]WTO Appellate Body, 'Farewell Speech of Appellate Body Member Hong Zhao,' 30 Nov. 2020. See generally Kristen Hopewell, 'Unravelling of the Trade Legal Order,' 101 Int'l Affairs 1103 (May 2025); World Trade Organization, 'Appellate Body — Current Situation' (Apr. 2025).
[31]WTO Dispute Settlement Body, 'Overview of the State of Play of WTO Disputes,' Apr. 2025, WT/DS/OV/49. See also OxJournal, 'WTO Appellate Body Blockage,' 24 Sept. 2025.
[32]Geneva Trade Platform, 'MPIA Members and Cases,' updated Apr. 2025, available at www.genevaetradeplatform.org.

Approximately 55 percent of all new investor-state dispute settlement cases filed in 2024 were brought against developing countries, which hold only one-third of global inward foreign direct investment stock.[33] Of the 12 most frequently appointed ISDS arbitrators for cases initiated between 2015 and 2024, 11 hold the nationality of a developed state.[34] In 2019, Pakistan was ordered to pay USD 6 billion to a single foreign investor — a sum equal to the country's entire IMF bailout package in that year.[35]

Article 6. Self-Determination: Promises in Permanent Deferral

6.1 Palestine

The Palestinian people have been denied statehood for seventy-five years since General Assembly Resolution 181 (II) of 29 November 1947.[36] The ICJ's July 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall found violations of IHL and the right to self-determination, and held Israel obligated to cease construction and make reparations — an opinion that produced no compliance and no enforcement action.

6.2 Western Sahara

The people of Western Sahara have awaited the self-determination referendum promised by the international community for over fifty years. No referendum has been held. No binding timeline exists. The Security Council continues to renew peacekeeping mandates that have produced no resolution.[37]

6.3 Chagos Archipelago

On 25 February 2019, the International Court of Justice issued an Advisory Opinion finding that the separation of the Chagos Archipelago from Mauritius was unlawfully carried out, and that the United Kingdom was under an obligation to bring its administration of Chagos to an end as rapidly as possible.[38] As of March 2026, over seven years after the Advisory Opinion, the United Kingdom has not complied. The enforcement mechanism provided by Article 94(2) of the Charter — referral to the Security Council — is rendered inaccessible by the United Kingdom's permanent membership.

[33] UNCTAD, 'World Investment Report 2025: Investment Dispute Settlement Trends,' UN Doc. UNCTAD/WIR/2025, at 12–15.

[34] Id. at 18 (citing ICSID Caseload Statistics, Issue 2025-1).

[35] Tethyan Copper Co. Pty Ltd v. Islamic Republic of Pakistan, ICSID Case No. ARB/12/1, Award (July 2019). See also Safwan Masood, 'Pakistan to Accept $6 Billion Bailout from I.M.F.,' N.Y. Times, 12 May 2019.

[36] G.A. Res. 181 (II), U.N. Doc. A/RES/181(II) (29 Nov. 1947). See also Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. Rep. 136, ¶¶ 87–88 (July 9) (reaffirming right to self-determination). See further Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Provisional Measures, Order, 2024 I.C.J. (Jan. 26).

[37] See Western Sahara, Advisory Opinion, 1975 I.C.J. Rep. 12 (Oct. 16); S.C. Res. 2703 (2023) (extending MINURSO mandate). See also Office of the United Nations High Commissioner for Human Rights, 'Western Sahara: Human Rights,' 2025.

[38] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, 2019 I.C.J. Rep. 95 (Feb. 25). The General Assembly affirmed the Advisory Opinion in G.A. Res. 73/295 (22 May 2019), with 116 votes in favour, 6 against, and 56 abstentions.

Article 7. International Law: The Enforcement Gap

7.1 Structural Incapacity of ICJ Enforcement

The International Court of Justice possesses no autonomous enforcement mechanism. Article 94(2) of the Charter provides that if a party to a case fails to perform the obligations incumbent on it under a judgment of the Court, the other party may have recourse to the Security Council, which may make recommendations or decide upon measures to be taken to give effect to the judgment.[39] The structural consequence is that every ICJ enforcement route passes through a body where the interests of one or more permanent members can defeat action. This architecture was known at the time of drafting; its systematic exploitation was not the circumstance the non-permanent members consented to.

7.2 The Climate Advisory Opinion — Largest Case in ICJ History, Already Resisted

On 23 July 2025, the International Court of Justice issued its Advisory Opinion on the Obligations of States in Respect of Climate Change — the largest case in the Court's history, with 99 state participants heard over two weeks.[40] The Court found that states must cease wrongful behaviour, provide assurances of non-repetition, and provide full reparation. By February 2026, high-income and high-emitting states were systematically organising to resist the opinion's implementation.[41]

Article 8. Humanitarian Architecture: Deliberate Collapse

8.1 System-Wide Funding Contraction

By June 2025, United Nations humanitarian agencies had received 17 percent of the USD 46 billion required to meet global humanitarian needs — a 40 percent year-on-year reduction. The World Food Programme reduced operations by more than 90 percent in multiple active crisis zones. UNICEF's available budget fell from approximately USD 1 billion to USD 168 million. UNHCR received 23 percent of its required budget.[42] OCHA estimated that 104 million people requiring assistance in 2026 will not be reached.

[39] U.N. Charter art. 94(2). See also Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.), Merits, Judgment, 1986 I.C.J. Rep. 14 (June 27). Following Nicaragua's application to the Security Council for enforcement of the Court's 1986 judgment, the United States vetoed the relevant draft resolution. UN Doc. S/PV.2704 (31 Oct. 1986).

[40] Obligations of States in Respect of Climate Change, Advisory Opinion, I.C.J. (23 July 2025), at ¶ 1. The Court found unanimously that states have legal duties under both conventional and customary international law to protect the climate system and provide reparation for significant harm caused. The opinion built upon ITLOS Advisory Opinion on Climate Change (May 2024) and Inter-American Court of Human Rights Advisory Opinion OC-23/17.

[41] See Reuters, 'High-Income Nations Move to Resist ICJ Climate Opinion Implementation,' 14 Feb. 2026. The enforcement route for any state seeking to act on this unanimous opinion runs through the Security Council, where the United States — the world's largest cumulative GHG emitter — holds a permanent veto.

[42] UN Office for the Coordination of Humanitarian Affairs, 'Global Humanitarian Overview 2025: Mid-Year Update,' June 2025. See also WFP, 'Emergency Response Update,' May 2025; UNHCR, 'Global Funding Report H1 2025,' July 2025.

8.2 Explicit Weaponisation of Humanitarian Aid

United States government officials stated publicly that humanitarian assistance would be conditioned on alignment with United States foreign policy priorities.[43] This represents the explicit conversion of humanitarian assistance from a Charter obligation into an instrument of political coercion, in direct violation of the humanitarian principles embedded in the Charter's purposes under Article 1(3).

8.3 Gaza — The Medicide Record

Between October 2023 and June 2025, the World Health Organisation verified 735 attacks on healthcare facilities in Gaza, killing 917 healthcare workers and injuring 1,411 others.[44] By June 2025, 94 percent of hospital buildings in Gaza had been damaged or destroyed. The Lancet peer-reviewed study estimated 64,260 deaths from traumatic injury between October 2023 and June 2024 alone, 41 percent higher than official Ministry of Health figures.[45]

8.4 Sudan and Yemen

As of March 2025, 20.3 million people in Sudan required urgent health assistance; only 14 to 16 percent of hospitals remained operational; and the 2025 WHO Sudan response plan received one-fifth of its required funding.[46] On 28 October 2025, more than 460 patients were shot and killed at the Saudi Maternity Hospital in El Fasher — the only partially functioning hospital in the city — which had sustained four attacks in the preceding month.[47]

Yemen's 2025 humanitarian appeal received 28 percent of its target funding. Syria's 2025 humanitarian appeal was 14 percent funded.[48]

Article 9. Dispute Settlement: Convergent Cross-Domain Failure

The non-security bilateral and multilateral dispute settlement architecture exhibits the same structural failure pattern as the security domain. Across five independent domains — trade, investment, maritime,

[43]Remarks of US Ambassador to the UN Waltz before the Security Council, Feb. 2026 ('UN agencies must adapt, shrink or die'). Statement of US State Department Official re OCHA ('We need to control the spigot'). These statements are documented in Security Council verbatim records and press pool reporting.

[44]World Health Organisation, 'Health Cluster Bulletin: Gaza,' June 2025 (documenting 735 verified attacks on healthcare, 94% hospital damage/destruction). See also UN Special Rapporteur on the Right to Health, 'Preliminary Findings on Medicide in Gaza,' Mar. 2025.

[45]Rasha Khatib, Martin McKee & Salim Yusuf, 'Counting the Dead in Gaza: Difficult but Essential,' The Lancet, 5 July 2024, doi: 10.1016/S0140-6736(24)01169-3.

[46]World Health Organisation, 'Sudan Health Situation Report,' No. 31, Mar. 2025. See also UN Office for the Coordination of Humanitarian Affairs, 'Sudan Situation Report,' Mar. 2025.

[47]UN Office for the Coordination of Humanitarian Affairs, 'Sudan: El Fasher Situation Update,' 29 Oct. 2025. See also Médecins Sans Frontières, 'MSF Condemns Massacre at Saudi Maternity Hospital,' 28 Oct. 2025.

[48]UN Office for the Coordination of Humanitarian Affairs, 'Global Humanitarian Overview 2025 — Mid Year Update, Country Annexes,' June 2025.

environmental, and human rights — the formal architecture provides access to adjudication but systematically denies enforcement against powerful states.

Domain	Mechanism	Failure Mode	Attribution
Trade	WTO Appellate Body	Destroyed by US; 32 rulings appealed into void; WTO case volume at 1/3 of pre-collapse level	Single P5 member; bipartisan; sustained 2016–present
Investment	ISDS/ICSID	55% claims vs. developing states; 11/12 top arbitrators from developed states; Pakistan $6B award	Structural design excluding developing state governance
Maritime	UNCLOS Annex VII arbitration	China rejected jurisdiction; ignored 2016 award; US not party to UNCLOS but enforces selectively	P5 member non-compliance; no enforcement mechanism
Environmental	ICJ Advisory Opinion	Unanimous July 2025 opinion; high emitters organising resistance by Feb. 2026	Enforcement route through SC; US veto forecloses action
Human Rights	ICC / Treaty Bodies	47/54 ICC charged are African; P5 nationals uncharged; US sanctions ICC judges	Structural immunity of P5 nationals and protected parties

The finding that emerges from this cross-domain analysis is not a series of isolated institutional failures. It is the operation of a single coherent architecture producing a single coherent outcome: formal equality of access, structural inequality of outcome, with enforcement systematically foreclosed against the most powerful states.

Article 10. Cultural, Educational and Social Architecture: Three-Layer Failure

10.1 Physical Destruction

The UN Secretary-General's Annual Report on Children and Armed Conflict recorded 1,265 attacks on schools globally in 2024 — a 44 percent increase over 2023 and the highest figure in thirty years of reporting.[49] UNESCO verified 157 cultural heritage sites damaged or destroyed in Gaza as of 19 February 2026, including sites of the highest categories of protection under the 1954 Hague Convention.[50] In Ukraine, UNESCO has verified 485 cultural heritage sites damaged since February 2022.

10.2 Systematic Educational Denial

[49]Report of the Secretary-General, 'Children and Armed Conflict,' UN Doc. A/78/842–S/2024/384 (June 2024), ¶ 6 (1,265 school attacks in 2024, 44% increase over prior year).

[50]UNESCO, 'Damage Assessment — Cultural Heritage in Gaza,' 19 Feb. 2026. See also Convention for the Protection of Cultural Property in the Event of Armed Conflict, Done at The Hague, 14 May 1954, 249 U.N.T.S. 240.

Afghanistan is the only state in the world that systematically prohibits secondary and higher education for girls and women — a prohibition now in its fourth year, excluding 2.2 million adolescent girls from education.[51] No ICC referral has been made. No Security Council enforcement action has been taken. Four years of documented, systematic violation of the right to education as guaranteed by Article 13 of the International Covenant on Economic, Social and Cultural Rights has produced zero structural institutional consequence.

10.3 Deliberate Institutional Dismantlement

The executive order of January 2026 withdrew the United States simultaneously from sixty-six international organisations and agencies, including WHO, UNHRC, UNRWA, UNFCCC, and UNESCO.[52] The withdrawal from UNESCO was explicitly triggered by UNESCO's admission of Palestine as a member state — a decision taken by majority vote of UNESCO's member states in exercise of their sovereign rights within the Organisation.

> *International Crisis Group, Analysis of January 2026 US Multilateral Withdrawals (Feb. 2026): 'This reflects a very clear vision of wanting international cooperation on Washington's own terms — my way or the highway.'*[53]

[51] UNESCO, 'Afghanistan Education Situation Report,' Feb. 2026. UNICEF estimates annual GDP contraction of at least 2.5% ($500M) as a direct consequence of the ban. UNESCO projects that if the ban persists to 2030, total economic losses by 2066 will reach $9.6 billion.

[52] Executive Order, 'Withdrawing the United States from the World Health Organization and Other International Organizations,' The White House, 20 Jan. 2026. See also UNESCO, 'Statement of the Director-General on US Withdrawal,' 20 Jan. 2026; WHO, 'Director-General's Statement,' 21 Jan. 2026.

[53] International Crisis Group, 'US Multilateral Withdrawal: Analysis and Implications,' Brussels/Washington, Feb. 2026.

PART III — CAUSATION ANALYSIS

Article 11. Attribution and the Article 62(2) VCLT Analysis

11.1 The Legal Standard

Article 62(2)(b) VCLT provides that fundamental change of circumstances may not be invoked as a ground for withdrawing from a treaty if 'the fundamental change is the result of a breach by the party invoking it of either an obligation under the treaty or of any other international obligation owed to any other party to the treaty.'[54]

11.2 Exclusive Attribution to P5 Structural Privilege

Every structural failure documented in this Declaration traces to a single architectural feature: the unreviewable veto of the five permanent members. The Security Council cannot act on the situations documented in Article 3 above because permanent members exercise the veto to prevent action. The ICJ cannot enforce its judgments because enforcement runs through the Security Council. The Charter cannot be amended to address any of these failures because Article 108 requires the ratification of all five permanent members, who ratified the arrangement most advantageous to themselves. The WTO Appellate Body was not disabled by a developing state coalition. It was disabled by a single permanent member, through a sustained, documented, bipartisan policy decision over nine years.

11.3 Clean Hands of the Invoking States

The Participating States did not veto Security Council ceasefire resolutions. They did not disable the WTO Appellate Body. They did not impose sanctions on ICC judicial officers. They did not withdraw from sixty-six international organisations by executive order. They did not conduct naval operations to enforce a maritime convention they declined to ratify. They did not exclude the victims of their own acknowledged genocide from the negotiation of reparations for that genocide. The specific structural dysfunctions invoked in this Declaration are attributable exclusively to acts and omissions of permanent members exercising the structural privilege the 1945 compact granted them. The Article 62(2)(b) VCLT exclusion does not apply.

[54] VCLT, supra note 1, art. 62(2)(b). See also the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, UN Doc. A/RES/56/83 (2001), which establish the standard rules of attribution in customary international law.

PART IV — EXHAUSTION OF INTERNAL REMEDIES

Article 12. Structural Inaccessibility of Charter Reform

12.1 Article 108 — Amendment

Article 108 of the Charter requires that amendments be ratified by two-thirds of member states including all five permanent members.[55] No amendment to Chapter V of the Charter — governing the Security Council, its composition, and the veto — has ever been adopted. The permanent members retain the ability to veto any amendment that reduces their own institutional privileges. This is not exhaustion of remedies. It is the structural foreclosure of remedies by the very parties whose privileges are the subject of the reform.

12.2 Article 109(3) — The Mandatory Trigger Pulled in 1955, Conference Never Convened

Article 109(3) of the Charter — retained in its original form — provides that if a General Conference has not been held before the tenth annual session of the General Assembly, the proposal to call such a conference shall be placed on the agenda of that session, and the conference shall be held if so decided by a majority vote of the General Assembly and by any seven Security Council members.[56] This provision operated automatically. In 1955, the Secretary-General placed the item on the agenda of the Tenth Session 'through the automatic operation of Article 109(3).'[57]

On 21 November 1955, the General Assembly adopted Resolution 992 (X) by 40 votes to 6, with 9 abstentions. The resolution decided that a review conference 'shall be held at an appropriate time' and established a Committee of all UN Members to fix a time and place.[58] This was the constitutional moment at which the Article 109(3) trigger was pulled. The decision was affirmative: a conference shall be held.

The phrase 'at an appropriate time' was a deliberate insertion by the United States and United Kingdom to defer the conference without rejecting it outright.[59] That deferral was never resolved. The Committee met

[55]U.N. Charter art. 108.

[56]U.N. Charter art. 109(3). The threshold of 'any seven members' was the original, lower threshold of the unamended Charter. Paragraph 3 was expressly retained in its original form when Article 109(1) was amended in 1968 to raise the threshold for a general conference from seven to nine SC members, on the grounds that paragraph 3 'had been acted upon in 1955.' See UN, Amendments to Articles 23, 27, 61, 109, available at www.un.org/en/about-us/un-charter/amendments.

[57]UN Repertory of Practice, art. 108–109, Supplement 1, Vol. II, ¶ 5 ('the item was included by the Secretary-General in the agenda of the tenth session of the General Assembly through the automatic operation of Article 109(3)'); G.A. (X), Plen., 547th mtg., 21 Nov. 1955.

[58]G.A. Res. 992 (X), 'Proposal to Call a General Conference of the Members of the United Nations for the Purpose of Reviewing the Charter,' 21 Nov. 1955, reproduced in UN GA Official Records, Tenth Session, Supplement No. 19, A/3116, at 49. The six dissenting votes were the Soviet bloc plus Syria. The co-sponsors included the United States and the United Kingdom. Proposing states included Brazil, Canada, Egypt, El Salvador, India, Indonesia, Ireland, Iran, Liberia, and Panama — reflecting the breadth of support for review. See also History of State, FRUS 1955–57, vol. XI, doc. 80.

[59]The US and UK calculated that they could not oppose Charter review in principle at the mandatory Tenth Session without political damage, but could neutralise the obligation by deferring the timing sine die. The Committee established by Resolution 992 (X) met in June 1957, adopted — by 67 votes to none with 9 abstentions — a resolution recommending only that it 'be kept in being' and report back 'not later than the fourteenth session.' No date was ever fixed. See History of State,

annually until 1967, then stopped. No dissolution resolution was ever adopted. The Committee is, technically, still in existence. No state has requested a further meeting in fifty-eight years.

12.3 The Complete Record of Article 109 Reform Attempts, 1945–2026

The following table sets out every significant formal attempt to invoke Article 109 or achieve Charter reform through related mechanisms in the eighty years of the Charter's operation. The pattern is uniform: each attempt was deferred, redirected into a process operating by consensus, or simply abandoned when no favourable political climate materialised — with the definition of 'favourable' effectively controlled by the permanent members whose privileges reform would curtail.

Period	Attempt	Instrument / Initiating State(s)	Outcome
1945	San Francisco design — Art. 109 inserted as Latin America's price for the veto	UNCIO Committee I/2; Brazil, Australia, NZ, Poland, Latin American bloc	Art. 109 adopted. Soviet Union secured 'no fixed date' language. UK assured smaller states that 'veto would not apply' to calling a conference.
1947–48	US Congressional push — 20–30 House resolutions calling for Art. 109 conference or new organisation	US House Foreign Affairs Committee; H.R. 6802	Senate passed Vandenberg Resolution (1948) instead — seeking voluntary veto restraint, not Charter reform. Art. 109 not invoked.
1953	Preparatory Resolution — publication of Charter drafting documents as groundwork	G.A. Res. 796 (VIII), 27 Nov. 1953	Administrative groundwork only. No conference called.
1955	MANDATORY TRIGGER — Art. 109(3) automatically placed on Tenth Session agenda	G.A. Res. 992 (X), 21 Nov. 1955; 40–6–9 vote; US and UK co-sponsors	Conference decided 'shall be held at an appropriate time.' Committee established. No date fixed. Phrase 'appropriate time' operated as indefinite deferral.
1957	Committee Report — deferred again	Committee est. by Res. 992 (X); 67–0–9 vote	Committee voted to 'be kept in being' and report by 14th session. No date fixed.
1955–1967	Annual Committee meetings — sustained non-action	Committee of all UN Members under Res. 992 (X)	Committee met until 1967, then stopped. Never dissolved. Technically extant. No state has requested a meeting since 1967.

FRUS 1955–57, vol. XI, doc. 80.

1969	Colombia restores item to GA agenda	G.A. 24th Session; Colombia (A/7659)	Postponed to following year. SG invited members to submit views. Little response. Item kept biennially at 25th–29th sessions.
1974	Ad Hoc Committee established — opposed by 4 of P5	G.A. Res. 3349 (XXIX), 17 Dec. 1974; 82–15–36 vote	US, USSR, UK, France voted against. Committee met; 'fundamental divergence of opinion' on necessity of review. Reconstituted 1975 as Special Committee (still meeting annually, zero structural outcome).
1993	Open-ended Working Group on SC reform	G.A. Res. 47/62, 11 Dec. 1992; Res. 48/26, 3 Dec. 1993	Ran until 2007. No outcome. Evolved into IGN.
2008–2026	Intergovernmental Negotiations (IGN)	G.A. Decision 62/557, 15 Sept. 2008; renewed annually at every session through 79/570 (2025)	17 consecutive annual renewals. Diplomatically described as 'It Goes Nowhere.' No agreed text produced.
2022–2026	High-Level Advisory Board; Pact for the Future; Lula/South Africa/India calls; Article 109 Coalition	SG Guterres; G.A. Res. Summit of Future Sept. 2024; Brazil UNGA speech Sept. 2024	Pact for the Future 'committed' to SC reform via IGN. No structural change in twelve months following adoption.

12.4 The 1955 Resolution as a Live Legal Instrument

The Participating States draw particular attention to the legal status of General Assembly Resolution 992 (X). That resolution did not merely recommend consideration of a review conference — it decided that such a conference 'shall be held.' The conditional element was timing only: 'at an appropriate time.' The decision in principle was affirmative and unconditional.[60]

Seventy-one years after that decision, no 'appropriate time' has ever been identified by the permanent members whose interests obstruct its realisation. The Participating States submit that the permanent members' effective veto over the identification of an 'appropriate time' — the very circumstance that was represented at San Francisco as not being subject to veto — is itself a fundamental change of circumstances within the meaning of this Declaration.[61]

12.5 The Second Charter Pathway — Bypassing Article 108

There is a further legal avenue of significance. The Interim Committee of the General Assembly identified in the 1950s the mechanism by which a review conference could produce binding change

[60] G.A. Res. 992 (X), supra note 40. The legal character of the resolution is confirmed by the travaux: 'There was general agreement at the Tenth Session that the Assembly's action constituted a decision in principle to hold a review conference.' See FRUS 1955–57, vol. XI, doc. 80. Only the Soviet bloc characterised the resolution as non-binding; the remaining membership treated it as a decision.

[61] The UK representative at San Francisco stated explicitly that the veto 'would not be involved in the future calling of the Conference' and that calling a conference 'would focus the public opinion of all Member States on the issue.' Fordham L. Rev., Vol. 24(3) (1955), at 359–360. The use of the 'appropriate time' formula to indefinitely defer the conference that was not supposed to be subject to veto is a direct inversion of this 1945 representation, and falls within the inducing representations analysed at Article 2.1–2.3 of this Declaration.

without subjecting its outcome to the existing Article 108 ratification requirement: 'the Charter, after being revised by a general conference called for that purpose, would become a new treaty which would incorporate its own provisions on the method of its ratification. This new treaty would then come into force in accordance with those provisions without regard for Articles 108 and 109 of the present Charter.'[62]

This pathway has direct legal significance for the relief demanded in operative clause 1 below. A review conference convened under Article 109 may produce a revised charter that constitutes a new treaty, with its own ratification provisions, which enters into force among ratifying states independently of the existing P5 veto over Article 108 ratification. The permanent members' ability to block ratification of amendments to the existing Charter does not foreclose the legal validity of a successor instrument. This is not a novel proposition. It was identified by UN institutional bodies contemporaneously with the drafting of the Charter. The Participating States formally adopt this analysis and incorporate it into the legal basis for operative clause 1.[63]

12.6 The Intergovernmental Negotiations — Thirty-Three Years of Structured Non-Outcome

The Intergovernmental Negotiations on Security Council reform, commenced in formal plenary of the General Assembly in February 2009 under Decision 62/557, have been renewed by annual General Assembly decision at every session from the 63rd (2009) through the 80th (2026).[64] They operate by consensus, which means any permanent member can prevent progress on any proposal that would reduce its own privilege. A former permanent representative to the United Nations from a state aspiring to Council membership described the IGN with the observation that the initials stand for 'It Goes Nowhere.'[65]

The Pact for the Future, adopted at the Summit of the Future in September 2024, committed to Security Council reform. In the twelve months following that commitment: the humanitarian system funding collapsed by forty percent; four United States vetoes of Security Council ceasefire resolutions were cast while mass atrocity conditions were documented; and sixty-six international organisations received United States withdrawal notices. The IGN co-chairs' paper of June 2025 continued to describe

[62] Interim Committee of the General Assembly ('Little Assembly'), cited in Stimson Center, 'Revising the United Nations Charter' (Apr. 2024), at section 3. This pathway was identified and accepted by the Interim Committee as a legally sound mechanism for producing a binding 'Second Charter' that would not be subject to P5 ratification veto under the present Charter's architecture. See also Sharei, supra note 23, at 7.

[63] On the legal validity of successor treaties replacing earlier instruments, see generally VCLT arts. 59–60; cf. also the precedent of the replacement of the Covenant of the League of Nations by the UN Charter itself, which entered into force without requiring affirmative ratification by states that had ratified the Covenant.

[64] The annual renewal decisions are: 63/565 B; 64/568; 65/554; 66/566; 67/561; 68/557; 69/560; 70/559; 71/553; 72/557; 73/554; 74/569; 75/569; 76/572; 77/559; 78/561; 79/570; and the 80th session decision of October 2025. The IGN followed the Open-Ended Working Group on SC reform established by G.A. Res. 47/62 (1992) and Res. 48/26 (1993), which itself ran for fifteen years without structural outcome.

[65] PassBlue, 'Who Knew? Reform Is Happening in the UN Security Council,' 25 Apr. 2024 (quoting unnamed former Permanent Representative to the UN).

'convergences and divergences' — convergences and divergences, not outcomes — after seventeen sessions. The gap between rhetorical commitment and structural delivery is not incidental. It is architecturally designed.

12.7 The Legal Conclusion on Exhaustion

The standard of exhaustion of internal remedies does not require a party to seek reform permission from the entity whose privilege is the subject of reform, through mechanisms that entity controls, without limit of time. Resolution 992 (X) of 1955 decided that a review conference shall be held. That decision has not been implemented in seventy-one years. The Open-Ended Working Group ran from 1993 to 2008 without structural outcome. The Intergovernmental Negotiations have run since 2009 without structural outcome. The Pact for the Future committed to Security Council reform in September 2024; twelve months later, structural conditions had worsened on every metric documented in Part II. The exhaustion threshold is not merely met — it was met decades ago. The Participating States record that they have exhausted internal remedies and that no further engagement with the existing processes is required as a condition of invoking their rights under Article 62 VCLT.

Article 13. The Taxonomy of Delay: Every Known Mechanism and Its Documented Precedent

The Participating States anticipate that the permanent members will respond to this Declaration not with substantive engagement but with procedural delay. This is not a prediction. It is a pattern with an eighty-year documented record. Every mechanism by which the present process may be slowed, deferred, redirected, or neutralised has been used before. The Participating States record each mechanism, its historical deployment, and the legal consequence of its redeployment here.[66]

Delay Mechanism	Prior Deployment	Year(s)	Legal Consequence if Redeployed Here
Procedural objection — 'the proposal requires further study before a decision can be taken'	US and UK inserted 'at an appropriate time' into G.A. Res. 992 (X) to defer a conference that the Assembly had already decided in principle shall be held. The Committee established to fix a date met in 1957, recommended only that it 'be kept in being,' and reported nothing further.	1955–1957	Res. 992 (X) already decided the conference shall be held. The study was completed in 1955. Any invocation of this mechanism constitutes a second deployment of a tactic that has already been judicially characterised as constituting a fundamental changed circumstance under this Declaration.
Redirect to existing process — 'this matter is already being addressed through the IGN /	The Ad Hoc Committee established in 1974 was reconstituted in 1975 as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the	1974–2026	Referral to a process that operates by consensus, that the permanent members control, and that has produced no structural outcome in fifty years is not engagement with this Declaration. It is the redeployment

[66] The taxonomy in this Article draws on the complete historical record set out in Article 12.3 above and the analysis in Articles 12.2, 12.4, and 12.6. Each delay mechanism identified here corresponds to at least one documented prior use in the record of Article 109 reform attempts between 1945 and 2026.

Special Committee / Pact for the Future'	Organization. It has met annually for fifty years. It has produced no structural outcome. The IGN replaced the Open-Ended Working Group in 2008 and has met for seventeen sessions. It has produced no structural outcome. The Pact for the Future (Sept. 2024) committed to reform and produced no structural outcome in twelve months.		of the mechanism that this Declaration identifies as itself constituting evidence of structural inaccessibility under Article 12. It will be treated as such.
Threshold dispute — 'a permanent member veto applies to any decision under Article 109'	The Soviet Union argued in 1955 that the veto applied to the convening of a review conference. The United Kingdom explicitly represented at San Francisco in 1945 that the veto 'would not be involved in the future calling of the Conference.' The US and UK co-sponsored Res. 992 (X), implicitly accepting that the conference could be decided without a veto. The legal question has never been judicially determined.	1945, 1955	Any permanent member invoking this argument adopts a position that: (a) contradicts the 1945 UK representation that constituted part of the inducement to consent; (b) contradicts the co-sponsorship of Res. 992 (X) by the US and UK; and (c) if accepted, would mean that Article 109(3) — the mandatory review trigger specifically designed as a check on permanent member power — is itself subject to permanent member veto, making it legally void from inception. The Participating States formally request an ICJ advisory opinion on this question (see operative clause 1 footnote). Any invocation of the veto pending that opinion will be treated as a further changed circumstance.
Procedural sequencing — 'the General Assembly must first schedule the item; the Security Council must first pass an enabling resolution'	The 1955 Committee established to fix a time and place reported in 1957 that it had decided only to 'be kept in being' and to report 'not later than the fourteenth session.' It then stopped meeting in 1967 without ever fixing a date. No dissolution resolution was adopted. The committee is technically still in existence fifty-eight years later.	1957–1967	The General Assembly is competent under Article 109(1) to fix a date by two-thirds vote independently of the Security Council for the purposes of an ordinary review conference. Under Article 109(3), the threshold is a majority of the Assembly and any seven Council members. Neither mechanism requires a Security Council enabling resolution as a prerequisite. Any claim to the contrary repeats the 1957 sequencing tactic and will be identified as such.
Coalitional framing — 'the coalition is geopolitically motivated / a proxy for adversarial states'	The 1974 Ad Hoc Committee proposal was opposed by the United States, the Soviet Union, the United Kingdom, and France simultaneously — states on opposite sides of the Cold War — on the ground that Charter review was 'premature' and 'unnecessary.' The common interest of adversarial permanent members in opposing review has been a structural feature of every Charter reform attempt since 1945.	1974	The Participating States include NATO member Turkey, G20 members Brazil and Indonesia, ASEAN anchor Malaysia, and states from five continents and three major regional blocs. They are not a proxy for any permanent member. Any characterisation of this coalition as geopolitically motivated adopts the identical framing used in 1974, when states on opposite sides of the Cold War coordinated to defeat reform. The Participating States will publish the full record of that coordination alongside any such characterisation.
Scope limitation — 'any reform must be	The United States opposed Art. 109 review throughout the 1950s and	1950s –2026	The minimum structural reforms demanded in operative clause 3 of this Declaration are

incremental; wholesale Charter revision is destabilising'	1960s on the ground that opening the Charter to revision risked destabilising the entire UN system. The same argument was deployed in the 1990s against the Open-Ended Working Group and in the 2000s against the IGN. 'Incremental reform' has been the permanent members' consistent framing for a process that produces no reform at all.		specific, bounded, and proportionate to the documented failures. They do not require dissolution of the United Nations. They require that the Security Council not veto humanitarian ceasefire resolutions; that the IMF not be governed by a single blocking vote; that the WTO Appellate Body be restored; and that humanitarian agencies not be defunded as instruments of coercion. These are not destabilising demands. They are the restoration of what was promised in 1945.
Timeline extension — 'twelve months is insufficient; a process of this complexity requires more time'	The 1955 resolution deferred the conference to 'an appropriate time.' The Committee met in 1957 and deferred to the fourteenth session. The Open-Ended Working Group ran for fifteen years. The IGN has run for seventeen sessions. The combined total of deferral time since Res. 992 (X) decided a conference shall be held is seventy-one years. The permanent members have had more time to prepare for this conference than any negotiation in the history of international law.	1955–2026	The Participating States will not accept a timeline extension. Seventy-one years of preparation is sufficient. Any request for additional time will be recorded as a further invocation of the delay mechanism that this Declaration identifies as itself constituting exhaustion of internal remedies. The consequence clause in operative clause 5 operates automatically. It is not subject to extension by request.
Legitimacy challenge — 'withdrawal threats are contrary to the UN Charter and the spirit of multilateralism'	Every state that has withdrawn from or threatened to withdraw from a UN institution has faced the identical challenge. The United States withdrew from UNESCO in 1984 citing political bias; the challenge was made and disregarded. The US withdrew from the Human Rights Council in 2018 citing bias; the challenge was made and disregarded. The United States withdrew from sixty-six organisations in January 2026 without any legal consequence. The right of withdrawal from international institutions, including the UN Charter itself (per UNCIO Doc. 1178), is established in the San Francisco records.	1984–2026	The right of withdrawal invoked in operative clause 5 of this Declaration rests on the same legal foundation as every withdrawal exercised by permanent members over the past forty years. Any legitimacy challenge to the Participating States' withdrawal rights will be evaluated against the complete record of permanent member withdrawals documented herein and in Exhibit C. The Participating States apply no double standard. They request that none be applied to them.

The Participating States record this taxonomy not as a catalogue of anticipated bad faith, but as a legal instrument. Each mechanism identified above has a specific legal consequence. Any deployment of a listed mechanism will be cited against its prior deployment and treated as further evidence of the structural inaccessibility documented in Article 12. The cumulative effect of multiple deployments will be treated as aggravating the legal case for withdrawal, not as providing grounds for further patience.[67]

[67] This approach is consistent with the ICJ's treatment of persistent non-compliance in the Nicaragua case (Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.), Merits, Judgment, 1986 I.C.J. Rep. 14 (June 27)) and with the general principle that a party that frustrates the operation of a treaty mechanism cannot rely on the resulting frustration as a defence against the legal consequences of that failure.

Article 14. The Architecture of Shame: Historical Precedents for Reputational Pressure Producing Institutional Concession

The Participating States acknowledge a structural reality: permanent members will not yield institutional privilege because they are legally required to do so. They will yield it — if they yield it — because the reputational cost of refusing becomes politically unsustainable. This Declaration is, among other things, a legal instrument designed to produce that condition. The historical record identifies a specific mechanism by which it has been achieved before: not through a single dramatic confrontation, but through a cascading sequence of smaller acts of refusal, exposure, and withdrawal that progressively raise the cost of association with institutional injustice until the cost to ordinary domestic actors — banks, universities, sports federations, legislators — exceeds the cost of opposing it.[68]

14.1 The Apartheid Precedent: How Shame Works

South Africa's apartheid system was not dismantled because international law required it. The ICJ had no jurisdiction. The Security Council's mandatory arms embargo of 1977 — UN Security Council Resolution 418 — was the first time in the organisation's history that Chapter VII enforcement powers were invoked against a member state for a domestic policy, and it was adopted only after fourteen years of escalating General Assembly resolutions that the major Western powers had persistently resisted.[69] It was adopted because by 1977 the alternative — vetoing it — had become domestically untenable for governments that had spent a decade defending their economic relationships with South Africa against their own civil societies.

The mechanism was not primarily governmental. It was cascading, decentralised, and institution-specific. In 1956, South Africa was excluded from the Melbourne Olympic Games. In 1963, the International Olympic Committee barred South Africa from the 1964 Games. In 1970, the All Blacks rugby tour was allowed only after Maori players were admitted as honorary whites — producing mass protests in New Zealand that spent $8 million in police and military protection during the 1981 Springbok tour and ultimately ended South African participation in international sport.[70]

In 1985, Chase Manhattan Bank declared it would not renew its short-term loans to South Africa, triggering a liquidity crisis that produced a fifty percent drop in the rand and severe capital scarcity — not because any government ordered it, but because private lenders judged that the reputational and financial

[68]The analysis in this Article draws on the comparative literature on reputational sanctions in international law. See Robert O. Keohane, 'The Demand for International Regimes,' 36 Int'l Org. 325 (1982) (on reputation as a structural mechanism of compliance); Andrew T. Guzman, How International Law Works: A Rational Choice Theory (Oxford UP 2008), at 33–71 (on reputational costs as primary compliance driver in the absence of enforcement). For the historical record, see Thomas G. Weiss & Ramesh Thakur, Global Governance and the UN: An Unfinished Journey (Indiana UP 2010), at 148–172.

[69]S.C. Res. 418, UN Doc. S/RES/418 (4 Nov. 1977). The US and UK had voted against mandatory sanctions proposals throughout the 1960s and early 1970s; they abstained on Res. 418 rather than exercise their veto, under domestic pressure. See International Sanctions During Apartheid, Wikipedia (citing UN Special Committee Against Apartheid records).

[70]International sanctions during apartheid, Wikipedia (sourcing IOC records, New Zealand 1981 Springbok tour records). In a 1977 survey, white South Africans ranked the absence of international sport as one of the three most damaging effects of apartheid on their daily lives — above the oil embargo and above the arms embargo.

risks had reached a threshold at which continued association with South Africa was a balance-sheet liability.[71] F.W. de Klerk later acknowledged that it was the combination of internal ungovernability and the economic unsustainability of the sanctions burden that drove the decision to negotiate.

The lesson the Participating States draw is precise: shame does not operate on governments through argument. It operates on governments through the progressive defection of the non-governmental actors — banks, universities, sports bodies, pension funds, artists, legislators — whose continued participation provides the domestic political cover that allows a government to maintain its position. When that cover is removed institution by institution, the political cost of continuing exceeds the political cost of conceding.[72]

14.2 Saudi Arabia's Refusal: Shame Through Institutional Withdrawal

On 18 October 2013, Saudi Arabia became the first state in the history of the United Nations to decline a non-permanent Security Council seat for which it had been elected. It announced the decision the day after election, stating that 'the manner, the mechanisms of action and double standards existing in the Security Council prevent it from performing its duties and assuming its responsibilities toward preserving international peace and security.'[73]

France's Ambassador to the UN responded: 'We think that Saudi Arabia would have brought a very positive contribution to the Security Council, but we do also understand the frustration of Saudi Arabia.' The Arab News characterised the decision as 'forcing the five permanent members of the Security Council into some embarrassed reflection.' Russia's Foreign Ministry criticised the 'strange' decision. The divergence in those responses is itself instructive: the P5 members who could not be seen to endorse the critique nonetheless could not defend the institution against it.[74]

Saudi Arabia's refusal generated more reputational pressure on the Security Council's reform deficit in forty-eight hours than the Open-Ended Working Group had generated in fifteen years of negotiations. It did so because it was a dramatic, unilateral, public act of institutional refusal that made the Council's

[71] PIIE, Case 62-2 and 85-1 (Peterson Institute for International Economics), available at piie.com. The Financial Times reported that Mandela, on his release from prison, characterised international economic pressure as 'the principal weapon available to the ANC.'

[72] By 1987, over half of all local authority pension funds in the United Kingdom, totalling £13 billion, had placed restrictions on investing in South African-related companies — not as a result of government instruction, but as a result of sustained civil society pressure that made continued investment reputationally untenable for fund trustees. See Anti-Apartheid Movement Archives, 'History of the AAM in the 1980s' (aamarchives.org).

[73] Saudi Arabia Ministry of Foreign Affairs, Statement on Declination of UN Security Council Non-Permanent Membership, 18 Oct. 2013. Saudi Arabia cited specifically the Council's failure on Palestine over 65 years, the Syria crisis, and the failure to declare the Middle East a weapons-of-mass-destruction-free zone. This was the first declination of a Security Council seat in the organisation's 68-year history at that point.

[74] Al Jazeera, 'Saudi Withdrawal Stuns UN Security Council,' 19 Oct. 2013; Arab News editorial, 19 Oct. 2013; Russia Ministry of Foreign Affairs, Statement on Saudi Arabia's Decision, 18 Oct. 2013. France's response is particularly significant because France, as a permanent member, had every institutional reason to defend the Security Council's current composition — but could not bring itself to criticise Saudi Arabia's stated grounds for refusal.

dysfunction visible to a global audience that did not follow IGN proceedings. The Participating States note this precedent with care.[75]

14.3 The Razali Plan: When a Small State Representative Named the Problem and the P5 Could Not Answer

In 1997, Razali Ismail of Malaysia, serving as President of the General Assembly and Chairman of the Open-Ended Working Group, produced the most concrete Security Council reform proposal the United Nations had seen since 1965. It proposed expanding the Council from 15 to 24 members, adding five new permanent seats without veto power — one each for Africa, Asia, and Latin America, and two for industrialised states — and four new non-permanent seats.[76]

The United States expressed support 'in principle' for developing country permanent membership. Russia, the United Kingdom, and France opposed it. Italy led a counter-coalition to block any expansion that would grant permanent seats to Germany or Japan. The proposal died not because it was legally inadequate — it was not — but because the P5 members who faced a reduction in their relative institutional weight declined to allow a vote. Razali Ismail stated the condition of the institution plainly in 1994: 'It was an elite group, with the victorious powers as custodians of peace. Now, with all that has taken place, obviously that has to change.' The P5 had no answer to that. They simply declined to vote.[77]

14.4 The Sharpeville Mechanism: How a Single Documented Atrocity Shifts the Reputational Equilibrium

On 21 March 1960, South African police killed 69 people and wounded 180 at Sharpeville. The international community had been aware of apartheid for twelve years before Sharpeville. The United Nations General Assembly had passed resolutions condemning it. Nothing had shifted. Within two years of Sharpeville, the General Assembly had passed Resolution 1761, calling for economic sanctions. Within three years, the Security Council had passed Resolution 181, establishing a voluntary arms embargo. Within seventeen years, the mandatory Chapter VII arms embargo — Resolution 418 — was in force.[78]

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[75] The reputational asymmetry between a formal refusal and a formal complaint is a structural feature of institutional shame mechanics: a complaint from within the institution invites the institution to respond through its own procedures; a refusal to participate denies the institution that response option and places the cost of justification entirely on those who remain.

[76] Razali Ismail, Draft Framework Resolution on Security Council Reform, presented to the General Assembly Open-Ended Working Group, March 1997 (reproduced in Global Policy Forum, Security Council Reform documents). The US expressed support for the goal and some elements of the plan; Russia and the UK opposed new permanent members; France opposed new permanent members from G4 states that would reduce European representation. The proposal was never put to a vote.

[77] Razali Ismail, quoted in Veto Analysis, Global Policy Forum (globalpolicy.org). The Razali observation was made in the context of the 1994 working group debates but captures the structural condition of the institution. The inability of the P5 to answer the argument on its merits — instead defeating it procedurally — is itself evidence of the reputational vulnerability this Declaration intends to activate.

[78] G.A. Res. 1761 (XVII), 6 Nov. 1962; S.C. Res. 181, 7 Aug. 1963; S.C. Res. 418, 4 Nov. 1977. The causal chain from Sharpeville to the mandatory embargo took seventeen years, but it began with a single documented event that made sustained global inaction reputationally untenable for governments whose domestic publics were watching.

Sharpeville did not change the legal situation. Apartheid had been a Charter violation since 1948. What Sharpeville changed was the visibility of the cost of inaction and the moral simplicity of the scene — sixty-nine people shot in the back while fleeing a peaceful protest — which made continued defence of 'constructive engagement' a reputational liability for Western governments whose electorates were watching.[79]

The Participating States draw a direct line from Sharpeville to the documented record in Part II of this Declaration. The 735 verified attacks on healthcare facilities in Gaza; the Lancet estimate of 64,260 deaths; the four consecutive vetoes of humanitarian ceasefire resolutions while United Nations agencies documented famine conditions; the 104 million people unreached by a humanitarian system defunded by forty percent: these are not abstract statistical observations. They are the contemporaneous documented record of a structural failure that is visible in real time to the domestic publics of P5 member states. The reputational equilibrium is not stable.[80]

14.5 The Operative Mechanism: What This Declaration Does

This Declaration does not depend on the P5 reading it and being persuaded by its legal arguments, though those arguments are sound. It depends on creating a documented public record — a legal instrument of undeniable specificity, transmitted to the Secretary-General, to the President of the General Assembly, and to the President of the International Court of Justice — that makes the structural condition of the institution visible, named, and attributed.[81]

The target audience of this Declaration is not the P5. The P5 know the arguments. They have been hearing them for eighty years. The target audience is the domestic political constituencies of the P5 — the legislators who will ask why their government vetoed a ceasefire; the judges who will ask what the rule of law means if ICJ orders go unenforced; the students who will ask why their university's pension fund invests in sovereign bonds of states that veto humanitarian resolutions; the journalists who will ask their governments to answer, on the record and under their own names, why 104 million people are unreachable while the humanitarian system is defunded as an instrument of coercion. The question this Declaration poses is not a legal question. It is a political one that has a legal frame. And that question is: at what point does continued association with this institutional arrangement become a reputational liability that your domestic political position cannot bear?

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[79] The mechanism here is what international relations scholars call 'information cascades' combined with 'audience costs': a highly visible, morally simple event changes the domestic political cost of maintaining a position, forcing governments to respond to their own publics rather than to each other. See Judith Kelley, Monitoring Democracy: When International Election Observation Works and Why It Fails (Princeton UP 2012), at 14–32 (on the role of monitoring and documentation in creating audience costs for violations).

[80] On the role of real-time documentation in accelerating reputational cascades relative to historical precedent, see the comparative analysis in Human Rights Watch, 'The New Documentation: How Real-Time Atrocity Recording Changes the Politics of Humanitarian Response,' March 2024.

[81] On the role of formal legal instruments in creating 'focal points' for coordination among dispersed actors, see Thomas C. Schelling, The Strategy of Conflict (Harvard UP 1960), at 53–80. A formal legal instrument transmitted to treaty depositaries creates a public, permanent, attributable record that operates as a coordination device for the domestic actors — legislators, journalists, civil society organisations, institutional investors — whose aggregate responses constitute the reputational cascade.

The answer, as Sharpeville demonstrated, as Chase Manhattan Bank demonstrated, as the 1977 arms embargo demonstrated, as Saudi Arabia's refusal of its Council seat demonstrated, is not a threshold fixed in advance. It is a threshold that moves — and that this Declaration is designed to move.[82]

[82]The Participating States note that the most powerful reputational mechanism they hold is not the withdrawal threat itself. It is the contrast: that they have waited eighty years; that they have engaged in good faith for thirty-three consecutive years of negotiations; that they have produced a legal instrument of this specificity and this evidentiary weight; and that they have received, in return, the word 'convergence' — deployed for the seventeenth consecutive year in an IGN co-chairs' report that no one outside the negotiating room has read.

PART V — FORMAL FINDINGS OF THE PARTICIPATING STATES

The Participating States, having reviewed the full evidentiary record set forth in Part II and the legal analysis set forth in Parts I, III, and IV, hereby record the following formal findings:

FINDING I — The circumstances that constituted the essential basis of the consent of non-permanent member states to the Charter of the United Nations — including the specific representations of the 1945 Statement — have been fundamentally altered within the meaning of Article 62(1)(a) VCLT.[83]

FINDING II — The effect of those changes radically transforms the extent of obligations still to be performed, within the meaning of Article 62(1)(b) VCLT, because those obligations now flow asymmetrically from non-permanent members toward an institutional structure from which the substantive commitments of the original compact have been systematically withdrawn.[84]

FINDING III — The Security Council has been rendered structurally incapacitated in every significant conflict involving the interests of a permanent member or its protected parties, in direct and documented contradiction of the 1945 representations of the Sponsoring Powers.[85]

FINDING IV — The human rights architecture has been converted into a system of selective accountability that functions against the politically unprotected while, through institutional immunity and executive interference, insulating the powerful from institutional consequence.[86]

FINDING V — The economic and social architecture has produced a system of structured dependency in which borrower states hold insufficient institutional power to reform the terms of their own dependency, and in which the dispute settlement mechanisms designed to protect their trade rights have been disabled by the states whose interests those rights implicated.[87]

FINDING VI — The dispute settlement architecture across all non-security domains exhibits a single coherent structural design: formal equality of access combined with structural inequality of outcome, with

[83] VCLT art. 62(1)(a), supra note 1. See Gabčíkovo-Nagymaros, supra note 3, ¶¶ 99–104.

[84] VCLT art. 62(1)(b), supra note 1.

[85] The four US vetoes of Gaza ceasefire resolutions (Oct. 2023 – Jun. 2025) and nineteen Russia/China vetoes on Syria (2011–2026) are documented in the Security Council Voting Records. See supra Articles 3.2 and 3.3.

[86] See supra Article 4, documenting the ICC's prosecutorial asymmetry, US sanctions on ICC judicial officers, and the emergence of the Sahel International Court.

[87] See supra Articles 5 and 9, documenting IMF governance asymmetry, WTO Appellate Body dismantlement, and ISDS structural asymmetry.

enforcement systematically foreclosed against the most powerful states.[88]

FINDING VII — The international humanitarian system has been subjected to deliberate defunding as an instrument of political coercion, with a permanent member explicitly conditioning humanitarian assistance on foreign policy alignment — a direct inversion of the Charter's humanitarian purposes under Article 1(3).[89]

FINDING VIII — The cultural, educational, and social architecture has been simultaneously subjected to physical destruction in conflict zones shielded by the veto, to systematic denial in specific territories without institutional consequence, and to deliberate dismantlement by a permanent member retaliating against majority institutional decisions.[90]

FINDING IX — The internal reform mechanisms of the Charter have been structurally inaccessible for eighty years. General Assembly Resolution 992 (X) of 1955 decided that a Charter review conference shall be held — a decision that has not been implemented in seventy-one years. The Intergovernmental Negotiations have operated since 1993 without structural outcome. The Participating States have exhausted all available internal remedies within the meaning of the applicable rules of international law.[91]

FINDING X — Causation for the structural dysfunction documented herein is attributable exclusively to acts and omissions of permanent members exercising structural privileges they designed, cannot themselves reduce, and are not accountable to other member states for exercising. The causation exclusion of Article 62(2)(b) VCLT does not apply to the Participating States. The clean hands doctrine operates in their favour.[92]

[88] See supra Article 9 (cross-domain table).

[89] See supra Article 8.2 (explicit weaponisation statements). U.N. Charter art. 1(3) ('To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character').

[90] See supra Article 10. See also UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict, supra note 47.

[91] See supra Article 12. G.A. Res. 992 (X), 21 Nov. 1955. The Mavrommatis Palestine Concessions (Greece v. U.K.), Judgment No. 2, 1924 P.C.I.J. (ser. A) No. 2 (Aug. 30) (exhaustion of local remedies). The phrase 'at an appropriate time' in Res. 992 (X) operated as an indefinite deferral controlled de facto by the permanent members — the very circumstance represented at San Francisco as not being subject to veto.

[92] VCLT art. 62(2)(b), supra note 1. See supra Article 11.

PART VI — OPERATIVE CLAUSES: RELIEF DEMANDED

The Participating States, on the basis of the findings recorded in Part V, hereby demand the following relief:

1. ARTICLE 109 REVIEW CONFERENCE. The Participating States demand the convening of a General Conference of the Members of the United Nations for the purpose of reviewing the Charter, pursuant to Article 109 of the Charter, to be held no later than six (6) months from the date of transmission of this Declaration to the Secretary-General. The convening of such a conference is the minimum procedural response consistent with the findings recorded herein. The General Assembly convened an emergency special session on the situation in Ukraine within seventy-two hours of the Security Council's failure to act in February 2022. No logistical or procedural obstacle prevents the convening of a plenary conference within six months. The obstacle is political. It is the same obstacle that has prevented convening for eighty years. The Participating States decline to accommodate it further.[93]

2. CONFERENCE AGENDA. The agenda of the review conference shall include, without limitation: (a) the composition of the Security Council and the basis of permanent membership; (b) the scope, exercise, and accountability architecture of the veto power; (c) the enforcement mechanism of the International Court of Justice and its relationship to the Security Council; (d) the governance and voting structures of the Bretton Woods institutions; (e) the funding architecture, independence, and depoliticisation of the humanitarian specialised agencies; and (f) the obligations of member states with respect to cultural heritage, educational rights, and social architecture under Articles 55 and 56 of the Charter.

[93] U.N. Charter art. 109(1)–(3). Three independent legal bases support this demand. First, G.A. Res. 992 (X) of 21 Nov. 1955 decided, in response to the mandatory Article 109(3) trigger, that a review conference 'shall be held at an appropriate time.' That decision in principle has not been implemented in seventy-one years; the permanent members' effective control over the definition of 'appropriate time' is itself a fundamental changed circumstance. Second, Article 109(3) required only any seven Security Council votes to convene a conference — a threshold that does not require permanent member consent and was explicitly represented at San Francisco as not being subject to veto. See Fordham L. Rev., Vol. 24(3) (1955), at 359–360 (UK representation that 'the veto would not be involved in the future calling of the Conference'). Third, a review conference convened under Article 109 may produce a 'Second Charter' — a new treaty incorporating its own ratification provisions that enters into force without regard to Articles 108 and 109 of the present Charter. This mechanism was identified by the Interim Committee of the General Assembly contemporaneously with the drafting of the Charter. See Stimson Center, 'Revising the United Nations Charter' (Apr. 2024), citing Interim Committee findings. The Participating States formally request that the Secretary-General seek an advisory opinion from the International Court of Justice on: (a) whether a permanent member veto applies to a convening decision under Article 109(3); and (b) the legal validity of a successor treaty produced by a review conference, incorporating its own ratification provisions, as a matter of VCLT arts. 59–60.

3. MINIMUM STRUCTURAL REFORMS. The Participating States identify the following as the substantive minimum structural changes required to restore the original circumstances of consent. These are presented as the floor of the review conference agenda, not its ceiling:

Reform	Operative Mechanism	Measurable Benchmark
Veto limitation	Restrict veto to Chapter VII enforcement decisions; require written justification filed with UNGA within 24 hours of exercise	Zero vetoes cast on humanitarian ceasefire resolutions in any 12-month period
Security Council enlargement	Addition of six non-veto-holding permanent seats drawn from Africa, Asia, Latin America, and the Arab world, with rotation mechanism	Africa, Asia, and Latin America collectively hold 40%+ of Council seats
ICJ enforcement	Direct SC enforcement mechanism for ICJ orders, bypassing single-state veto; automatic General Assembly referral on veto	Chagos and Palestine ICJ orders enforceable within 12 months of adoption
IMF governance	Voting share rebalancing eliminating single-state blocking threshold; qualified majority required for governance reform	No single state holds a unilateral blocking share on any category of decision
WTO Appellate Body	Restoration or binding replacement; participation mandatory for all WTO members	All WTO rulings subject to binding appellate review within 24 months of adoption
Humanitarian funding	Assessed contributions to core humanitarian funds on Charter obligation basis; prohibition on political conditionality	Core agency budgets funded to minimum 80% of assessed need in each calendar year

4. TIMELINE. The Participating States establish a twelve (12) month implementation timeline from the date of this Declaration. Within that period: (a) the Article 109 review conference shall have been convened, no later than six months from the date of transmission; and (b) substantive structural negotiations on the minimum reforms identified in operative clause 3 shall have produced an agreed framework text, no later than twelve months from the date of transmission. Progress shall be assessed at ninety-day intervals by a Standing Review Body constituted by the Participating States, meeting in formal session, with findings published. The Participating States record that seventy-one years have elapsed since the General Assembly decided a review conference shall be held. No further extension of time is warranted. No further process of assessment is required. The question of whether the permanent members intend to honour the commitments by which the consent of smaller states was obtained in 1945 admits of an answer within twelve months. It does not require thirty-six.

5. CONSEQUENCE OF NON-COMPLIANCE. In the event that the Article 109 review conference has not been convened within six months of the date of transmission of this Declaration, or that an agreed

structural framework has not been produced within twelve months, the legal scholars responsible for this Declaration are instructed to complete and transmit to each Participating State, without further authorisation, the formal documentation required for individual notification of withdrawal from the Charter of the United Nations pursuant to Article 62 VCLT and the applicable rules of customary international law. That documentation will be prepared in advance and held in readiness. It will be transmitted automatically upon the expiry of the relevant deadline absent the required action. The Participating States have waited eighty years. They will not wait indefinitely. The question of institutional survival for the United Nations is now a question of months, not decades.[94]

6. DIRECTED REPUTATIONAL CASCADE. The Participating States, having established in Article 14 the historical mechanism by which reputational pressure produces institutional concession, hereby direct the following actions, to be implemented by the legal scholars responsible for this Declaration commencing on the date of its transmission:[95]

Action	Target	Mechanism	Precedent
6.1 The Veto Register	Domestic legislators and electorates of each P5 state	Publish and transmit to every national parliament of the 193 UN member states a register of every veto cast by each permanent member since 1945, annotated against the concurrent humanitarian documentation from UN agencies at the time of each veto. Each veto entry to state: who cast it, what it blocked, and what the UN's own agencies were reporting at the moment it was cast. Format: a single document, publicly accessible, updated in real time.	The Anti-Apartheid Movement's Register of Sportspeople who Broke the Boycott (1979–1994) — a named public record that imposed individual reputational cost on individual actors and made collective defection visible.
6.2 The Contribution-Accountability Ledger	Institutional investors, pension funds, and sovereign wealth funds in P5 states	Publish annually a comparison of each P5 state's assessed UN contributions against its vetoes of humanitarian resolutions in the same period, with a calculation of the per-resolution humanitarian cost. Transmit to the ten largest sovereign wealth funds and the twenty largest public pension funds in each P5 state, with a request for public disclosure of their investment policies regarding sovereign bonds and	The 1985 Chase Manhattan Bank withdrawal and the 1987 UK pension fund restrictions on South African investments — where private financial actors imposed costs that governments had refused to impose, when the

[94] VCLT art. 62, supra note 1. On the procedure for withdrawal from a treaty absent an express withdrawal clause, see VCLT art. 56. On withdrawal from the UN Charter specifically, note that the Charter contains no withdrawal clause; however, the San Francisco Conference records confirm that the right of withdrawal was understood to exist in cases where a state's rights and obligations could no longer be reconciled with membership. See UNCIO Doc. 1178, I/2/76(1), 'Statement on the Right of Withdrawal' (26 June 1945).

[95] The measures in this operative clause draw on the historical precedents analysed in Article 14. They are designed not to coerce the coalition's own members, but to direct a cascade of reputational pressure outward, toward the domestic political constituencies of the permanent members. The mechanism is the same as that which produced the 1977 mandatory arms embargo and the 1985 South Africa capital flight: decentralised, institution-specific, and cumulative.

		development finance instruments of states that maintain the veto record documented herein.	reputational cost of continued association was made visible and individual.
6.3 The University Declaration	Academic institutions in P5 states	Invite every university and research institution in the world to co-sign a Declaration of Academic Solidarity with the legal findings of this instrument. The invitation is not a demand. It creates a public record of which institutions stand with the legal argument and which do not — and, over time, makes the position of those that do not increasingly visible and increasingly costly to maintain.	The 1977 Hampshire College divestment decision and the subsequent cascade to Michigan State, Stanford, Columbia, and ultimately over 150 US universities — each decision individually small, collectively sufficient to change the political cost calculus for the US Congress, which passed the Comprehensive Anti-Apartheid Act in 1986 over a Presidential veto.
6.4 The Annual Naming	Domestic political leaders in P5 states who bear personal responsibility	Publish annually — on the anniversary of each veto of a humanitarian resolution — a named statement identifying, by name and office, the individual who instructed the veto, the concurrent humanitarian record, and the legal finding of this Declaration that the veto constitutes. The statement to be addressed directly to that individual by name and transmitted to their national legislature, to their party's governing body, and to the press corps accredited to their government.	The Anti-Apartheid Movement's direct personal address to F.W. de Klerk and Pieter Botha by name in General Assembly records (1985–1990); the UN Special Committee Against Apartheid's named documentation of individual South African officials. The naming of individuals — not governments — changes the personal cost calculation of the decision-makers whose choices sustain the institutional arrangement.
6.5 The Institutional Refusal Option	States considering or holding non-permanent Security Council seats	Transmit this Declaration to every state currently holding or campaigning for a non-permanent Security Council seat, with an analysis of Saudi Arabia's 2013 refusal and its reputational effect — and a formal invitation to consider whether acceptance of a non-permanent seat, without structural reform, constitutes endorsement of the institutional arrangement documented herein. The invitation carries no legal obligation. It carries a reputational frame.	Saudi Arabia's 2013 refusal of its elected seat — which generated more pressure on Security Council reform in 48 hours than fifteen years of IGN proceedings, because it made institutional dysfunction visible to a global audience through an act of dramatic, unilateral, public refusal that the P5 could neither answer on the merits nor

			dismiss as procedurally irrelevant.

> *The permanent members of the Security Council are advised that the Participating States have exhausted the procedural patience that the international legal system requires and that the law of nations permits. The question of whether the United Nations will continue to exist as a genuinely universal institution — as an institution that serves the many rather than the few, that enforces the law upon the powerful as readily as upon the weak, and that delivers upon the promises by which the consent of smaller states was secured in 1945 — will be answered by the conduct of those who govern it, not by those who have been governed by it.*

ANNEX I — EXHIBITS INDEX

The following Exhibits are appended to and form part of this Declaration. They constitute the primary evidentiary record in support of the findings recorded in Part V.

Exhibit	Title	Primary Sources	Findings Supported
A	The Veto Betrayal: 1945 Representations vs. Documented Record	UNCIO Vol. XI (1945 Statement); SC Voting Records S/PV.9438, 9478, 9553, 9680; WFP, WHO, UNRWA concurrent documentation	Findings I, II, III
B	The Contribution-Representation Inversion	IMF Quotas Database; UN assessed contributions; Bretton Woods governance voting records; bubble chart visualisation	Findings II, V
C	The Parallel Architecture: Timeline of Extra-Charter Construction	Bretton Woods Agreement 1944; GATT 1947; NATO 1949; NPT 1968; WTO AB destruction 2019; Sahel International Court 2025; Honduras ICSID withdrawal 2024	Findings V, VI
D	The Service Delivery Gap: 15 Coalition States Against Charter Benchmarks	UN agency data by country; blocking mechanism identified in each domain column; sources: WHO, UNESCO, WFP, UNHCR, UNCTAD	Findings I–X
E	The Settlement Record: Cross-Domain Audit of International Humanitarian Justice	ICC TFV Reports 2015–2025; Germany-Namibia Joint Declaration (2021); CARICOM Reparations Commission; UNCC Final Report (2022); Tigray CoHA (2022); Yemen Declaration for Justice (2024)	Findings IV, VII

— FINIS —

Declaration on Fundamental Change of Circumstances with Respect to the Charter of the United Nations

Independent International Legal Scholars · March 2026 · Restricted Circulation Draft for Coalition Adoption

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